

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANTONIO B. GALLEGOS and  
KRISTIAN or KRISTINE PETTINE  
GALLEGOS,

Plaintiffs,

vs.

No. CIV 12-224 JP/KBM

CITY OF ESPANOLA, a municipal corporation,  
JOE MARTINEZ, individually and in his official  
capacity; JEREMY APODACA, individually and  
in his official capacity; ROBERT VIGIL, individually  
and in his official capacity; CITY OF ESPANOLA  
OFFICERS and SUPERVISORS JOHN DOES  
1 through 10, individually and in their official  
capacities,

Defendants.

ORDER

On December 10, 2014, New Mexico Law Firm, LLC and Nathaniel V. Thompkins, Esq. filed an AMENDED MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR THE PLAINTIFFS WITHOUT A SUBSTITUTION (Doc. No. 200) (Amended Motion to Withdraw) requesting permission to withdraw as counsel for Plaintiffs Antonio B. Gallegos (Plaintiff Gallegos) and Kristian or Kristine Pettine Gallegos (Plaintiff Pettine). On December 17, 2014, Defendants filed DEFENDANTS' OBJECTIONS TO AMENDED MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR THE PLAINTIFFS WITHOUT A SUBSTITUTION (Doc. No. 202) (Objection) in which Defendants stated no objection to Nathaniel Thompkins, Esq. withdrawing as counsel for Plaintiff Pettine, but objected to Nathaniel Thompkins, Esq.'s withdrawal as counsel for Plaintiff Gallegos; the objection included a request that a new deadline

be scheduled for the filing of dispositive motions in the event the Amended Motion to Withdraw is granted.

On December 23, 2014, Kristian Gallegos (also shown as Kristine Gallegos, and who the Court understands to be Kristian or Kristine Pettine Gallegos), filed a MOTION FOR EXTENSION ON RESPONSE AND OPPOSITION (sic) TO MOTION BY PLAINTIFFS' ATTORNEY TO WITHDRAW (Doc. No. 206) (Motion for Extension) on her own behalf and purportedly also on behalf of Plaintiff Gallegos. Acting on her own behalf, it was appropriate for Plaintiff Pettine to file the Motion for Extension. However, because she apparently is not an attorney and definitely is not a member of the bar of the United States District Court for the District of New Mexico, Plaintiff Pettine had no authority to file the Motion for Extension also on behalf of Plaintiff Gallegos. The Motion for Extension should be granted as to Plaintiff Pettine and she will be allowed until February 5, 2015 to file her contemplated response in opposition to the Amended Motion to Withdraw.

On January 2, 2015, Tino B. Gallegos, who said he is the father of Plaintiff Gallegos, filed a RESPONSE AND OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS (Doc. No. 210). (Response in Opposition). In the Response in Opposition, Tino B. Gallegos stated that he had "Power of Attorney for Antonio B. Gallegos." However, Tino B. Gallegos does not appear to be an attorney and is not a member of the bar of the United States District Court for the District of New Mexico. Consequently, he does not have authority to represent Plaintiff Gallegos in this case. If Plaintiff Gallegos wishes to file documents *pro se*, he must personally sign those documents and make certain that they comply with Fed. R. Civ. P. 11. The Response in Opposition (Doc. No. 210) filed by Tino B. Gallegos should be stricken.

However, in fairness, Plaintiff Gallegos should also be given until February 5, 2015 to file a response in opposition, personally signed by Antonio B. Gallegos, to the Amended Motion to Withdraw.

The Court also notes that on December 29, 2014, there was an untitled, unsigned Court filing (Doc. No. 209), apparently filed by Tino B. Gallegos, the father of Plaintiff Gallegos, that states “my son’s address for court notices. Antonio B. Gallegos, 2111 Calle Ensenada, Santa Fe, N.M. 87505-5411.” This address for Antonio B. Gallegos is the same as the address for him identified by Attorney Nathaniel V. Thompkins in the Amended Motion to Withdraw. Consequently, the Court will assume that the address of 2111 Calle Ensenada, Santa Fe, N.M. 87505-5411 is the appropriate address for mailing notices to Plaintiff Gallegos.

A Court hearing will be scheduled in Santa Fe, New Mexico on the Amended Motion to Withdraw. Plaintiff Kristian or Kristine Pettine Gallegos should be present at the hearing. Tino B. Gallegos may attend the hearing as an observer, but may not represent Plaintiff Gallegos at the hearing. If able, Plaintiff Gallegos should attend the hearing.

IT IS ORDERED THAT:

1. The AMENDED MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR THE PLAINTIFFS WITHOUT A SUBSTITUTION (Doc. No. 200) is scheduled for hearing at the United States Courthouse, Piñon Courtroom, 106 South Federal Place, Santa Fe, New Mexico, at 1:30 p.m. on February 17, 2015.
2. The MOTION FOR EXTENSION ON RESPONSE AND OPPISITION (sic) TO MOTION BY PLAINTIFFS’ ATTORNEY TO WITHDRAW (Doc. No. 206) is granted as to Plaintiff Kristian or Kristine Pettine Gallegos who may file a response in

opposition by February 5, 2015, and is denied as to Plaintiff Antonio B. Gallegos because Kristian or Kristine Pettine Gallegos has no authority to represent Antonio B. Gallegos.

3. Although the MOTION FOR EXTENSION ON RESPONSE AND OPPISITION (sic) TO MOTION BY PLAINTIFFS' ATTORNEY TO WITHDRAW (Doc. No. 206) is denied as to Plaintiff Antonio B. Gallegos, the Court will permit Antonio B. Gallegos to file by February 5, 2015 a response in opposition to the the AMENDED MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR THE PLAINTIFFS WITHOUT A SUBSTITUTION (Doc. No. 200), provided the response in opposition filed by Antonio B. Gallegos is personally signed by him and complies with Fed. R. Civ. P. 11.
4. The Court will accept as accurate the mailing address of 2111 Calle Ensenada, Santa Fe, N.M. 87505-5411 for Plaintiff Gallegos as stated in both the Amended Motion to Withdraw (Doc. No. 200) and the notice (Doc. No. 209).
5. The RESPONSE AND OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS (Doc. No. 210) is stricken from the record because Tino B. Gallegos had no authority to file it on behalf of Plaintiff Antonio B. Gallegos.

  
SENIOR UNITED STATES DISTRICT JUDGE